

In ruling on a motion to alter or amend under Rule 59(e) of the Federal Rules of Civil Procedure, the Sixth Circuit has held that a court should grant such a motion “if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice.” *Keenan v. Bagley*, 262 F.Supp.2d 826, 830 (quoting *GenCorp, Inc. v. Am. Int’l Underwriters Co.*, 178 F.3d 804, 834 (6th Cir. 1999)). The court ordered a stay of the proceedings in this case so that the court could consider whether it would retain jurisdiction over the case or remand the action to state court. After taking the matter under advisement, the court allowed plaintiff to amend its complaint and decided that it would retain jurisdiction over the action. The court concedes that its order dismissing the action was premature, and the court should have allowed plaintiff an opportunity to respond before rendering a decision on the motion to dismiss. Accordingly, to “prevent a manifest injustice,” plaintiff’s motion to alter or amend the judgment entered in this case [Doc. 26] is **GRANTED** and this action is **REINSTATED**. Further, plaintiff is granted leave to file a response to defendant’s motion to dismiss, which shall be due on or before **January 27, 2006**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge